

## THE LAW FIRM

OF



RAVI BATRA

ocket in case # 07 CV 3216  
Settled  
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August 11, 2008

**BY FACSIMILE: (914)390-4135**

Hon. Lisa Margaret Smith  
Chief United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Room 428  
White Plains, NY 10601

Re: Letter Motion seeking leave, *nunc pro tunc* to the Court's directive of April 18, 2008 to file an amended complaint in Pane v. Greenburgh, et. al., 07 CV 3216 (WP4) (LMS), and to have the amended complaint previously filed on May 12, 2008, be deemed filed

Dear Judge Smith:

We write in response to the August 11, 2008 letter of Thomas J. Troetti, Esq., wherein he asserts a defect in the leave of this Court granted on April 18, 2008 for plaintiff to amend her complaint. Specifically, Mr. Troetti argues that notwithstanding that the record makes clear that the Court granted leave to file an amended complaint, because plaintiff's request for that relief was not in writing, although it was in open court, stenographically recorded, and with all counsel present, that such leave was improper. While we disagree with Mr. Troetti's position, in order to most expeditiously further this matter, please accept this letter as a motion pursuant to F.R.C.P. 15(a)(2), for leave to amend the complaint *nunc pro tunc* to the leave previously granted by the Court on April 18, 2008. Moreover, we further ask that the amended complaint, which has already been filed, served, and answered, be deemed properly filed.

Respectfully submitted,  
THE LAW FIRM OF RAVI BATRA, P.C.

By: 

Ravi Batra, Esq.

cc: Thomas Troetti, Esq., 914-949-1342  
Brian Murphy, Esq., 914-674-2987  
Andrew C. Quinn, Esq., 914-997-0550